

Fatwa, State, and Public Morality: Islamic Legal Authority in Contemporary Governance Systems

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Abstract

Fatwas increasingly shape public policy, moral regulation, and digital religious communication, yet their authority cannot be explained adequately through the conventional distinction between binding and nonbinding opinions. This study examines how fatwa institutions are authorized, how advisory religious opinions acquire regulatory or coercive effects, and under what conditions such transformation remains compatible with juristic plurality, religious freedom, equal citizenship, and accountable governance. It employs a qualitative comparative socio-legal design combining document analysis, directed qualitative content analysis, comparative legal interpretation, and normative evaluation across Indonesia, Egypt, Morocco, Malaysia, and Türkiye. The corpus consists of constitutional texts, statutes, regulations, gazetted instruments, official fatwas, judicial decisions, institutional documents, and relevant international legal standards. The findings show that contemporary fatwa authority is institutionally hybrid and emerges through different combinations of scholarly legitimacy, constitutional authorization, bureaucratic capacity, political recognition, judicial reception, regulatory incorporation, and public acceptance. Fatwas become publicly consequential through a contingent process of institutional translation from epistemic and advisory authority to administrative, regulatory, and sometimes coercive authority. This process may generate unequal burdens for religious minorities, women, dissenting Muslims, converts, nonbelievers, and other citizens whose convictions differ from official interpretations. Digital platforms further reshape authority by introducing algorithmic visibility, online popularity, and platform engagement as new sources of influence. The study contributes an Institutional Translation of Fatwa Authority Framework that explains how religious interpretation becomes public power while identifying transparency, proportionality, non-discrimination, reviewability, and digital accountability as essential safeguards for legitimate fatwa governance.

Keywords: fatwa authority, Islamic legal governance, public morality, institutional translation, digital religion



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INTRODUCTION

Fatwas occupy a distinctive position in contemporary Muslim societies. They articulate Islamic legal and ethical judgments, guide individual conduct, shape collective norms, and increasingly inform public policy in fields ranging from family law, bioethics, Islamic finance, halal governance, religious freedom, gender relations, digital communication, and environmental responsibility to questions of blasphemy, sectarian identity, and public morality. Their contemporary significance, however, cannot be understood solely through the classical definition of a fatwa as a legal opinion issued by a qualified mufti in response to a question. Modern fatwas are produced within institutional environments that include ministries of religious affairs, national councils of ulama, royal religious councils, state-appointed mufti offices, transnational scholarly networks, Islamic organizations, satellite television, and digital platforms. Consequently, the authority of a fatwa is no longer determined exclusively by juristic learning, methodological competence, or affiliation with a recognized school of law. It is also shaped by bureaucratic recognition, political patronage, legal incorporation, media circulation, institutional resources, and public reception.¹ Recent digital transformations have further intensified this pluralization by enabling institutional councils, independent scholars, religious influencers, and state-affiliated actors to compete for visibility and legitimacy within the same public sphere.²

Within classical Islamic jurisprudence, the fatwa was normally distinguished from adjudication, legislation, and executive command. A mufti offered a reasoned but generally nonbinding interpretation, whereas a judge issued an enforceable decision in a concrete dispute and political authorities exercised administrative or coercive powers within their respective jurisdictions. Juristic authority was therefore neither identical to state sovereignty nor organized through a single legislative hierarchy. Competing legal schools, local scholars, judges, rulers, and communities participated in a plural and relational legal order in which interpretive authority depended substantially on scholarly reputation, methodological competence, and social recognition.³ Historical studies nevertheless demonstrate that juristic and political authority were never completely separated. Rulers appointed judges and muftis, selected opinions for administrative application, sponsored particular schools, and occasionally transformed juristic preferences into authoritative state practices. Yet the relationship between jurists and political rulers remained one of negotiation rather than a simple identity between Islamic normativity and sovereign legislation.⁴

¹ Jakob Skovgaard-Petersen, *Defining Islam for the Egyptian State: Muftis and Fatwas of the Dār Al-ʿIfṭāʾ* (Leiden: Brill, 1997); J Skovgaard-Petersen, “A Typology of Fatwas,” *Welt Des Islams* 55, no. 3–4 (2015): 278–85, <https://doi.org/10.1163/15700607-05534p02>; Mohammad Hashim Kamali, “Fatwa Issuance in Shariah,” in *Shariah and the Halal Industry* (Oxford: Oxford University Press, 2021), 184–89, <https://doi.org/10.1093/oso/9780197538616.003.0017>; Muhammad Khalid Masud, Brinkley Messick, and David S Powers, eds., *Islamic Legal Interpretation: Muftis and Their Fatwas* (Cambridge, MA: Harvard University Press, 1996); Brinkley Messick, *The Calligraphic State: Textual Domination and History in a Muslim Society* (Berkeley: University of California Press, 1993).

² M Syarif, R Hasan, and T Irawan, “MUI’s Digital Ethics Fatwa and Governance Challenges,” *Indonesian Journal of Islamic Law* 11, no. 1 (2026): 1–20; Ahmad Suaedy et al., “Language, Authority, and Digital Media: The Impact on the Legitimacy of Fatwas,” *AHKAM: Jurnal Ilmu Syariah* 23, no. 1 (2023): 1–24, <https://doi.org/10.15408/ajis.v23i1.28875>.

³ Wael B Hallaq, *Shariʿa: Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009); Sherman A Jackson, *Islamic Law and the State: The Constitutional Jurisprudence of Shihab Al-Din Al-Qarafi* (Leiden: Brill, 1996); Masud, Messick, and Powers, *Islamic Legal Interpretation: Muftis and Their Fatwas*.

⁴ Messick, *The Calligraphic State: Textual Domination and History in a Muslim Society*.

The modern state substantially altered this institutional ecology. Codification, colonial legal restructuring, bureaucratic centralization, constitutional law, mass education, and administrative regulation increasingly relocated the production and implementation of Islamic norms within state institutions. Instead of merely consulting jurists, modern governments established official fatwa councils, appointed grand muftis, standardized religious education, regulated mosques, authorized religious publications, and determined which interpretations could enter courts, legislation, financial regulation, and public administration. The modern state therefore does not simply “apply” an already complete body of Islamic law. It selects, classifies, institutionalizes, and sometimes reconstructs religious norms through administrative procedures that simultaneously produce particular conceptions of religion, orthodoxy, and legitimate Islamic authority.⁵ This transformation complicates conventional binaries between religious and secular governance. A constitutionally secular state may maintain an expansive religious bureaucracy, while a state constitutionally committed to Islam may preserve a degree of juristic plurality or formally limit the legal effect of fatwas.⁶

Contemporary governance systems consequently display markedly different institutional configurations of fatwa authority. In Egypt, Dār al-Iftā’ operates as an official institution of religious guidance whose modern history is closely connected to state formation, administrative centralization, and the management of authoritative Islam. The Egyptian experience also demonstrates how Islamic concepts such as *ḥisba* can migrate into criminal, administrative, and judicial mechanisms for regulating belief, sexuality, speech, and public conduct.⁷ Morocco concentrates national fatwa authority within the Supreme Council of Religious Scholars under the monarch’s constitutional status as *Amīr al-Mu’minīn*, prioritizing doctrinal unity and political stability but restricting independent fatwa production.⁸ Türkiye centralizes religious administration through the Presidency of Religious Affairs, or Diyanet, which produces nonbinding religious opinions while functioning as an extensive state bureaucracy capable of shaping sermons, religious education, family ethics, and official constructions of Sunni identity.⁹ Malaysia operates through a federalized structure in which state muftis and fatwa committees formulate rulings that may acquire binding legal force after formal gazettelement, thereby creating a particularly visible transition from juristic

⁵ Hussein Ali Agrama, *Questioning Secularism: Islam, Sovereignty, and the Rule of Law in Modern Egypt* (Chicago: University of Chicago Press, 2012); Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford University Press, 2003); Tamir Moustafa, *Constituting Religion: Islam, Liberal Rights, and the Malaysian State* (Cambridge: Cambridge University Press, 2018), <https://doi.org/10.1017/9781108539296>; Skovgaard-Petersen, *Defining Islam for the Egyptian State: Muftis and Fatwas of the Dār Al-Iftā’*.

⁶ Martin van Bruinessen, “The Governance of Islam in Two Secular Polities: Turkey’s Diyanet and Indonesia’s Ministry of Religious Affairs,” *European Journal of Turkish Studies* 27 (2018), <https://doi.org/10.4000/ejts.5964>; Agrama, *Questioning Secularism: Islam, Sovereignty, and the Rule of Law in Modern Egypt*.

⁷ Ahmed Ezzat, “Law and Moral Regulation in Modern Egypt: *Ḥisba* from Tradition to Modernity,” *International Journal of Middle East Studies* 52, no. 4 (2020): 665–84, <https://doi.org/10.1017/S002074382000080X>.

⁸ A H Ashufah et al., “Dilemmas of Fatwas Freedom in Morocco: Between Diversity of Religious Perspectives or National Stability,” *Mazahibuna: Jurnal Perbandingan Mazhab* 7, no. 2 (2025): 228–43, <https://doi.org/10.24252/mazahibuna.vi.58090>.

⁹ Ahmet Erdi Öztürk, “Turkey’s Diyanet under AKP Rule: From Protector to Imposer of State Ideology?,” *Southeast European and Black Sea Studies* 16, no. 4 (2016): 619–35, <https://doi.org/10.1080/14683857.2016.1233663>.

opinion to enforceable public norm.¹⁰ Indonesia presents a different arrangement: the Indonesian Ulama Council is formally situated outside the state, but its fatwas have obtained quasi-regulatory authority through their incorporation into halal administration, Islamic finance, government policy, and broader political discourse.¹¹ These contrasting arrangements confirm that the distinction between “state” and “non-state” fatwas does not adequately capture the layered processes through which religious authority is financed, recognized, incorporated, and enforced.

Public morality constitutes a particularly revealing field in which these institutional dynamics become visible. Fatwas concerning religious minorities, allegedly deviant beliefs, gender interaction, dress, sexuality, artistic expression, interreligious relations, alcohol, entertainment, and religious offence frequently begin as normative judgments but may subsequently influence legislation, administrative prohibitions, police practices, judicial reasoning, or non-state vigilantism. Moral regulation is therefore not limited to the communication of religious virtues. It also involves the production of legally and politically consequential classifications: orthodox and deviant, lawful and immoral, respectable and disorderly, protected and threatening. Research on Egypt shows that moral regulation can become embedded in modern criminal and administrative law rather than remaining an exclusively religious practice.¹² Studies of Indonesia similarly reveal that fatwas and claims of religious offence may shape state policy, restrict minority groups, legitimate coercive social action, and reinforce conservative interpretations of public order.¹³ At the same time, Islamic public ethics cannot be reduced to coercion. Fatwas can support vaccination, environmental protection, social welfare, counterterrorism, financial justice, and other public goods. Their political and social consequences depend on their content, institutional location, modes of circulation, legal translation, and relationship to competing rights and authorities.

The central normative problem is therefore not whether Islamic ethics may contribute to public governance. Excluding religious reasoning from public life would itself disregard the ethical commitments through which many citizens understand justice, responsibility, and the common good. The more difficult question concerns the conditions under which a religious opinion may be translated into coercive public authority in a constitutionally plural society. International human-rights law recognizes that manifestations of religion may be restricted for the protection of public safety, public order, health, morals, or the rights and freedoms of others. However, such limitations must be prescribed by law, necessary, and proportionate. The United Nations Human Rights Committee

¹⁰ M Daud and A N Abdullah, “Penginstitutionan Majelis Fatwa Kebangsaan Dan Kaifiat Pengeluaran Hukum: Suatu Tinjauan Umum,” *Al-Basirah Journal* 9, no. 2 (2020): 37–51, <https://doi.org/10.22452/basirah.vol9no2.3>; Z Dimon, “Penguatkuasaan Kesalahan Berhubung Fatwa Dalam Undang-Undang Jenayah Syariah Di Malaysia,” *Journal of Muwafaqat* 3, no. 1 (2020): 116–29; N Ismail, “The Mufti and the State Administration of Islam: Some Selected Fatwas in Contemporary Perlis, Malaysia,” *Journal of Islam in Asia* 16, no. 3 (2019): 344–73, <https://doi.org/10.31436/jia.v16i3.806>.

¹¹ Alfitri, “Religious Liberty in Indonesia and the Rights of ‘Deviant’ Sects,” *Asian Journal of Comparative Law* 3 (2008): 1–27, <https://doi.org/10.1017/S2194607800000144>; Tim Lindsey, “Islam, Law and the State in Southeast Asia: Indonesia, Malaysia and Brunei” (London: I.B. Tauris, 2012).

¹² Ezzat, “Law and Moral Regulation in Modern Egypt: Hisba from Tradition to Modernity.”

¹³ T Jaffer, “Theological Commentaries,” in *The Oxford Handbook of Qur’anic Studies*, 2020, 766–79, <https://doi.org/10.1093/oxfordhb/9780199698646.013.59>; Syafiq Hasyim, “Fatwas and Democracy: Majelis Ulama Indonesia, Indonesian Ulema Council, and Rising Conservatism in Indonesian Islam,” *TRaNS: Trans-Regional and National Studies of Southeast Asia* 8, no. 1 (2020): 21–35, <https://doi.org/10.1017/trn.2019.13>.

has also emphasized that “public morals” cannot be defined exclusively through one religious, philosophical, or social tradition and that the official status or demographic dominance of a religion cannot justify discrimination against religious minorities or nonbelievers.¹⁴ Its more recent assessment of Indonesia reiterates concerns regarding the use of blasphemy and religious-deviation provisions to restrict minority beliefs and interpretations.¹⁵ The governance of fatwas must therefore confront a dual obligation: preserving the public relevance of Islamic ethical reasoning while preventing a particular institutional interpretation from acquiring unreviewable coercive power over citizens who do not accept its premises.

Existing scholarship offers indispensable insights into this problem but remains divided into several largely disconnected strands. A legal-historical strand examines the development of *iftāʾ*, the qualifications of muftis, and the relationship between juristic interpretation and political authority.¹⁶ An anthropological and socio-legal strand analyzes how legal texts, bureaucracies, courts, and state institutions construct authoritative religion rather than merely enforcing pre-existing religious rules.¹⁷ A third strand provides country-specific accounts of official fatwa institutions and the bureaucratic governance of Islam in Egypt, Indonesia, Malaysia, Morocco, and Türkiye.¹⁸ A fourth body of research studies the political consequences of particular fatwas, including their effects on democracy, minority recognition, economic regulation, gender norms, and public morality.¹⁹ More recent scholarship has added digital mediation, platform visibility, and the fragmentation of religious authority to this literature.²⁰

Despite this substantial scholarship, three limitations remain. First, many studies examine a single institution, country, or controversial fatwa, limiting their capacity to explain why similar religious opinions acquire different legal and

¹⁴ United Nations Human Rights Committee, “General Comment No. 22: Article 18—Freedom of Thought, Conscience or Religion” (United Nations, 1993).

¹⁵ United Nations Human Rights Committee, “Concluding Observations on the Second Periodic Report of Indonesia” (United Nations, 2024).

¹⁶ Hallaq, *Shariʿa: Theory, Practice, Transformations*; Jackson, *Islamic Law and the State: The Constitutional Jurisprudence of Shihab Al-Din Al-Qarafi*; Masud, Messick, and Powers, *Islamic Legal Interpretation: Muftis and Their Fatwas*.

¹⁷ Agrama, *Questioning Secularism: Islam, Sovereignty, and the Rule of Law in Modern Egypt*; Asad, *Formations of the Secular: Christianity, Islam, Modernity*; Messick, *The Calligraphic State: Textual Domination and History in a Muslim Society*; Moustafa, *Constituting Religion: Islam, Liberal Rights, and the Malaysian State*.

¹⁸ Alfitri, “Religious Liberty in Indonesia and the Rights of ‘Deviant’ Sects”; Ashufah et al., “Dilemmas of Fatwas Freedom in Morocco: Between Diversity of Religious Perspectives or National Stability”; Daud and Abdullah, “Penginstitutian Majelis Fatwa Kebangsaan Dan Kaifiat Pengeluaran Hukum: Suatu Tinjauan Umum”; Ismail, “The Mufti and the State Administration of Islam: Some Selected Fatwas in Contemporary Perlis, Malaysia”; Lindsey, “Islam, Law and the State in Southeast Asia: Indonesia, Malaysia and Brunei”; Öztürk, “Turkey’s Diyanet under AKP Rule: From Protector to Imposer of State Ideology?”; Skovgaard-Petersen, *Defining Islam for the Egyptian State: Muftis and Fatwas of the Dār Al-Iftāʾ*; van Bruinessen, “The Governance of Islam in Two Secular Polities: Turkey’s Diyanet and Indonesia’s Ministry of Religious Affairs.”

¹⁹ Ezzat, “Law and Moral Regulation in Modern Egypt: Hisba from Tradition to Modernity”; Hasyim, “Fatwas and Democracy: Majelis Ulama Indonesia, Indonesian Ulema Council, and Rising Conservatism in Indonesian Islam”; Sana Jaffrey, “In the State’s Stead? Vigilantism and Policing of Religious Offence in Indonesia,” in *Democracy in Indonesia: From Stagnation to Regression?*, ed. Thomas Power and Eve Warburton (Singapore: ISEAS–Yusof Ishak Institute, 2020), 303–25, <https://doi.org/10.1355/9789814881524-020>; Lindsey, “Islam, Law and the State in Southeast Asia: Indonesia, Malaysia and Brunei.”

²⁰ Suaedy et al., “Language, Authority, and Digital Media: The Impact on the Legitimacy of Fatwas”; M Syarif, R Hasan, and T Irawan, “MUI’s Digital Ethics Fatwa and Governance Challenges,” *Indonesian Journal of Islamic Law* 11, no. 1 (2026): 1–20, <https://doi.org/10.15408/ijil.v11i1.23456>.

political effects across governance systems. Even comparative studies commonly contrast institutional structures without developing a general account of how a fatwa moves from juristic reasoning to administrative implementation or coercive enforcement.²¹ Second, scholarship frequently relies on the binary distinction between binding and nonbinding fatwas. This distinction is doctrinally important but socio-legally insufficient. A formally nonbinding fatwa may become practically coercive when it determines access to certification, public employment, banking services, education, religious registration, police protection, or recognition as a legitimate religious community. Conversely, a gazetted ruling may be weakly enforced or contested through courts and civil society. Third, existing literature rarely evaluates fatwa authority through a unified framework that simultaneously considers Islamic juristic legitimacy, bureaucratic power, constitutional rights, institutional accountability, and the ability of affected citizens to contest moral classifications.

This study addresses these limitations through a comparative analysis of fatwa governance in Indonesia, Egypt, Morocco, Malaysia, and Türkiye. These cases represent contrasting institutional arrangements: a semi-official corporatist council, a bureaucratic state mufti institution, a monarchically centralized religious council, a federalized and legally gazetted fatwa system, and a constitutionally secular but state-integrated religious bureaucracy. Rather than determining which substantive fatwa is religiously correct, the study investigates how Islamic legal authority is institutionally produced and transformed. It asks three questions: How do different governance systems authorize fatwa institutions and define their relationship with political power? Through what legal, administrative, judicial, economic, and communicative mechanisms are formally advisory fatwas converted into public norms? Under what conditions can this conversion remain compatible with juristic plurality, equal citizenship, religious freedom, and accountable governance?

Correspondingly, the study aims to develop a comparative typology of contemporary fatwa–state relations, explain the mechanisms through which fatwas acquire regulatory or coercive effects, and formulate normative safeguards for their legitimate contribution to public governance. It introduces an Institutional Translation of Fatwa Authority framework, which distinguishes five analytically separate forms of authority: epistemic authority derived from Islamic learning and interpretive competence; advisory authority exercised through nonbinding religious guidance; administrative authority arising from official recognition and bureaucratic implementation; regulatory authority generated through incorporation into statutes, standards, licensing systems, or judicial decisions; and coercive authority exercised through enforceable sanctions or material restrictions. These forms should not be treated as a single continuum in which greater state power automatically produces greater Islamic legitimacy. Instead, the framework examines three stages—fatwa production, institutional translation, and public enforcement—and evaluates them through transparency, methodological justification, legal certainty, proportionality, equal citizenship, institutional review, and access to contestation.

The article's principal novelty lies in relocating analysis from the doctrinal status of fatwas to the institutional processes through which their authority changes. This approach clarifies that the decisive governance question is not merely whether a fatwa is formally binding, but who is authorized to produce it,

²¹ I Iskandar and H Sofuoğlu, "Competing Models of Fatwa Authority: A Comparative Analysis of Indonesia and Türkiye in Addressing Contemporary Islamic Legal Challenges," *Jurnal Syariah* 34, no. 1 (2026): 1–32, <https://doi.org/10.22452/syariah.vol34no1.1>.

how it enters state institutions, whose conduct it regulates, what consequences follow from noncompliance, and which mechanisms permit affected citizens to challenge its interpretation or application. By connecting Islamic legal studies with comparative constitutional law, socio-legal analysis, religious governance, and human-rights theory, the study contributes a framework capable of explaining divergent configurations of fatwa authority across Muslim-majority societies. Its international relevance extends beyond the selected cases because states, courts, Muslim minority institutions, digital platforms, and transnational Islamic organizations increasingly confront the same problem: how to preserve the ethical and intellectual significance of Islamic legal reasoning without collapsing religious guidance into unaccountable political coercion.

METHOD

This study employed a comparative socio-legal design combining document analysis, directed qualitative content analysis, comparative legal analysis, and normative interpretation. It examined how fatwas are produced, authorized, incorporated into public policy, and transformed into regulatory or coercive norms. Document analysis was appropriate because legal texts define jurisdiction, allocate authority, establish classifications, and articulate official justifications.²² Directed qualitative content analysis identified provisions and assumptions through which fatwa authority is constructed and exercised.²³

The research adopted a multiple-case comparison involving Indonesia, Egypt, Morocco, Malaysia, and Türkiye. This approach enables identification of similarities, differences, recurring mechanisms and rival explanations across systems. Comparative legal interpretation was contextual because constitutional provisions and religious institutions cannot be understood apart from their historical and administrative settings.²⁴ The cases were selected through a most-different-systems strategy. Indonesia represents a hybrid arrangement in which the Indonesian Ulama Council operates outside the state bureaucracy, although its fatwas may influence halal governance, Islamic finance, legislation, and policy. Malaysia represents a federalized structure in which some fatwas become binding after gazettelement. Egypt represents centralized authority through Dār al-Iftā'; Morocco reflects monarchically centralized authority under the Supreme Council of Religious Scholars; and Türkiye represents a constitutionally secular but administratively integrated system through Diyanet. These variations enabled comparison among epistemic, advisory, administrative, regulatory, and coercive authority.

The study covered 1 January 2011 to 30 June 2026, while earlier documents were included when necessary to explain institutional development. The primary corpus comprised constitutions, statutes, regulations, decrees, gazetted instruments, official fatwas, judicial decisions, and institutional documents concerning jurisdiction, methodology, legal effect, and implementation. Materials were collected from government repositories, legal databases, parliamentary archives, court databases, and recognized fatwa institutions. International materials, the International Covenant on Civil and Political Rights,

²² Glenn A Bowen, "Document Analysis as a Qualitative Research Method," *Qualitative Research Journal* 9, no. 2 (2009): 27–40.

²³ Hsiu-Fang Hsieh and Sarah E Shannon, "Three Approaches to Qualitative Content Analysis," *Qualitative Health Research* 15, no. 9 (2005): 1277–88, <https://doi.org/10.1177/1049732305276687>; Margrit Schreier, *Qualitative Content Analysis in Practice* (Sage, 2012).

²⁴ Mathias Siems, *Comparative Law*, 3rd ed. (Cambridge: Cambridge University Press, 2022), <https://doi.org/10.1017/9781108892766>.

interpretations of the United Nations Human Rights Committee, and Venice Commission standards, were also included. Peer-reviewed scholarship contextualized and triangulated the primary corpus.

Documents were included when they originated from an identifiable recognized institution, addressed fatwa production or implementation, related to public morality or adjacent governance issues, and were available in verifiable form. Duplicate texts, anonymous opinions, private consultations, incomplete documents, unsupported media reports, and fatwas without governance implications were excluded. Searches were conducted iteratively in English and local languages using terms such as *fatwa*, *iftā'*, *mufti*, *fetva*, public morality, religious deviation, blasphemy, halal regulation, legal effect, judicial review, and religious freedom. A documentary inventory recorded institution, date, legal status, subject, source, and relevance. Original-language texts remained authoritative when no official translation existed.

Analysis was guided by the Institutional Translation of Fatwa Authority Framework. Epistemic authority referred to scholarly competence; advisory authority to nonbinding guidance; administrative authority to state recognition; regulatory authority to incorporation into law, licensing, certification, or judicial reasoning; and coercive authority to sanctions or material restrictions. A codebook defined each category and its indicators.²⁵ First-cycle coding identified actors, appointment, legal status, dissemination, implementation, sanctions, review, and rights implications. Second-cycle coding organized findings into fatwa production, institutional translation, and public enforcement.²⁶ Analysis proceeded within each country before cross-case comparison through a matrix. Pattern matching and rival explanations prevented outcomes from being attributed solely to formal fatwa status.²⁷

Normative interpretation assessed whether translating fatwas into public authority was lawful, transparent, necessary, proportionate, and open to independent review, without determining theological correctness. These criteria were informed directly by freedom-of-religion and rule-of-law principles.²⁸ Trustworthiness was strengthened through triangulation, an audit trail, negative-case analysis, and independent review of 20% of the corpus by another researcher.²⁹ Coding disagreements were resolved through discussion rather than numerical agreement.³⁰ The study used public documents, excluded private data, and contextualized stigmatizing terminology. Limitations included unequal archive access, translation difficulties, and document analysis's inability to capture lived experience; consequently, the findings support analytical rather than statistical generalization.

²⁵ Schreier, *Qualitative Content Analysis in Practice*.

²⁶ Johnny Saldaña, *The Coding Manual for Qualitative Researchers* (Sage, 2021).

²⁷ Robert K Yin, *Case Study Research and Applications* (Sage Publications, 2018).

²⁸ Committee, "General Comment No. 22: Article 18—Freedom of Thought, Conscience or Religion"; European Commission for Democracy through Law (Venice Commission), "The Updated Rule of Law Checklist" (Council of Europe, 2025).

²⁹ Yvonna S Lincoln and Egon G Guba, *Naturalistic Inquiry* (Sage Publications, 1985); Sarah J Tracy, *Qualitative Research Methods: Collecting Evidence, Crafting Analysis, Communicating Impact*, 2nd ed. (Wiley-Blackwell, 2020), <https://www.wiley.com/en-us/Qualitative+Research+Methods%3A+Collecting+Evidence%2C+Crafting+Analysis%2C+Communicating+Impact%2C+2nd+Edition-p-9781119390787>.

³⁰ Cliodhna O'Connor and Helene Joffe, "Intercoder Reliability in Qualitative Research: Debates and Practical Guidelines," *International Journal of Qualitative Methods* 19 (2020): 1–13, <https://doi.org/10.1177/1609406919899220>.

RESULTS AND DISCUSSION

Comparative Configurations of Fatwa Authority in Contemporary Governance

The comparative analysis demonstrates that fatwa authority in Indonesia, Egypt, Morocco, Malaysia, and Türkiye is organized through overlapping combinations of juristic legitimacy, bureaucratic recognition, constitutional authorization, and political power. None of the five cases fits a simple binary between “religious” and “secular” governance. Each system institutionalizes Islam through a different relationship among scholars, executive authorities, courts, ministries, regulatory agencies, and publics. This finding supports scholarship showing that modern states do not merely enforce pre-existing religious norms; they also classify, standardize, and reorganize religious authority through law and administration.³¹ Fatwa authority must therefore be analyzed as a relational institutional formation rather than an inherent property of a scholar or legal text. What makes a fatwa publicly authoritative is not only the juristic competence of its issuer, but also the institutional channels through which it is recognized, disseminated, implemented, and contested.

Indonesia displays the most visibly hybrid configuration. The Indonesian Ulama Council, or Majelis Ulama Indonesia (MUI), is not formally a state organ, yet it occupies a strategic position between the government, Islamic organizations, economic regulators, and Muslim society. Indonesia’s plural Islamic landscape means that legal authority is continuously contested among state institutions, ulama organizations, courts, and different traditions of *fiqh*.³² Rather than recognizing one exclusive interpreter of Islamic law, the Indonesian system accommodates overlapping authorities whose influence varies according to the legal field and political context. The state’s growing involvement in hajj administration, zakat management, halal regulation, Islamic education, and other religious affairs nevertheless illustrates the bureaucratization of Islam despite the absence of an explicit constitutional establishment of a state religion. MUI fatwas are generally nonbinding as religious opinions, but their practical influence expands when they are incorporated into halal certification, Islamic banking standards, legislation, administrative policy, or public campaigns. Lindsey consequently characterizes the MUI as a nominally independent organization whose expanding regulatory role has enabled some of its fatwas to acquire quasi-legislative significance.³³ Their political impact also depends on alliances, public mobilization, institutional access, and claims to represent Indonesian ulama collectively. Indonesia therefore demonstrates that formally non-state religious authority can become quasi-regulatory through institutional adoption and political recognition.

Malaysia represents a more formalized and federalized arrangement. Islamic affairs largely fall within the jurisdiction of individual states, where muftis and fatwa committees issue rulings within state Islamic administrations. The national Muzakarah functions as an important coordinating forum, but official Malaysian records distinguish legal views formulated at the national level from fatwas

³¹ Agrama, *Questioning Secularism: Islam, Sovereignty, and the Rule of Law in Modern Egypt*; Asad, *Formations of the Secular: Christianity, Islam, Modernity*; Moustafa, *Constituting Religion: Islam, Liberal Rights, and the Malaysian State*; van Bruinessen, “The Governance of Islam in Two Secular Polities: Turkey’s Diyanet and Indonesia’s Ministry of Religious Affairs.”

³² Alfitri, “Religious Liberty in Indonesia and the Rights of ‘Deviant’ Sects.”

³³ Lindsey, “Islam, Law and the State in Southeast Asia: Indonesia, Malaysia and Brunei.”

decided by state fatwa committees.³⁴ This distinction indicates that national coordination does not eliminate the constitutional and administrative authority of the states. A fatwa may acquire binding legal consequences after approval and gazettelement under the relevant state enactment, making the transition from scholarly opinion to an enforceable public norm more explicit than in Indonesia.³⁵ The existence of both gazetted and non-gazetted rulings also demonstrates that fatwas do not possess a uniform legal status across the federation. Nevertheless, the Malaysian system should not be interpreted as simply more religious because its fatwa institutions are legally formalized. Moustafa demonstrates that constitutional provisions, Syariah institutions, civil courts, political actors, and public litigation jointly construct the boundaries of religion and legal jurisdiction.³⁶ The Malaysian configuration therefore shows how federalism, gazettelement, and judicialization can simultaneously strengthen religious authority and generate jurisdictional tension.

Egypt presents a centralized governmental model through *Dār al-Iftāʾ*. Established within the Ministry of Justice in 1895, the institution remains officially described as a governmental, non-profit organization operating at national, regional, and international levels.³⁷ Its fatwas are primarily advisory, but its integration into state administration provides privileged access to official communication, judicial consultation, religious diplomacy, scholarly training, and institutional dissemination. *Dār al-Iftāʾ* also participates in matters referred by judicial institutions and maintains extensive services through which citizens can request religious guidance. Its administrative location therefore strengthens its visibility without automatically converting every fatwa into binding legislation. Agrama shows that this relationship cannot be reduced to direct state control because the modern Egyptian state simultaneously distinguishes and recombines religious and secular authority.³⁸ *Dār al-Iftāʾ* consequently embodies bureaucratically supported epistemic authority: its opinions remain interpretive, yet institutional recognition substantially enhances their public weight.³⁹

Morocco exhibits the strongest constitutional centralization among the selected cases. Article 41 of the 2011 Constitution designates the King as *Amīr al-Muʾminīn*, places the Supreme Council of Religious Scholars under his presidency, and identifies the council as the sole institution authorized to issue officially approved fatwas on matters referred to it.⁴⁰ This structure connects juristic authority directly to monarchical legitimacy, protection of Islam, and the governance of national religious unity. It also distinguishes officially authorized fatwas from private scholarly opinions that lack equivalent institutional recognition. Ashufah argue that centralization is intended to preserve the Maliki orientation and maintain political stability, while simultaneously narrowing the institutional space for independent fatwa production and doctrinal diversity.⁴¹ Morocco therefore demonstrates that centralized authorization may create

³⁴ Jabatan Kemajuan Islam Malaysia, “Legal Information Sources” (Portal Rasmi Jabatan Kemajuan Islam Malaysia, 2021).

³⁵ Dimon, “Penguatkuasaan Kesalahan Berhubung Fatwa Dalam Undang-Undang Jenayah Syariah Di Malaysia.”

³⁶ Moustafa, *Constituting Religion: Islam, Liberal Rights, and the Malaysian State*.

³⁷ Egypt’s Dar Al-Ifta, “Who Are We” (Egypt’s Dar Al-Ifta, July 30, 2026); Skovgaard-Petersen, *Defining Islam for the Egyptian State: Muftis and Fatwas of the Dār Al-Iftāʾ*.

³⁸ Agrama, *Questioning Secularism: Islam, Sovereignty, and the Rule of Law in Modern Egypt*.

³⁹ Al-Ifta, “Who Are We”; Skovgaard-Petersen, *Defining Islam for the Egyptian State: Muftis and Fatwas of the Dār Al-Iftāʾ*.

⁴⁰ Kingdom of Morocco, “Constitution Du Royaume Du Maroc,” Bulletin Officiel § (2011).

⁴¹ Ashufah et al., “Dilemmas of Fatwas Freedom in Morocco: Between Diversity of Religious Perspectives or National Stability.”

doctrinal consistency and administrative clarity, but it can also limit interpretive plurality within the national religious field.

Türkiye offers a contrasting form of centralization within a constitutionally secular order. Diyanet and its High Board of Religious Affairs produce religious guidance through a state-funded bureaucracy whose reach extends to mosques, sermons, religious education, family guidance, and public communication. This configuration illustrates that Turkish secularism has historically operated through administrative control and organization of religion rather than strict institutional separation.⁴² Although Diyanet's fatwas remain formally advisory, its bureaucratic scale, nationwide infrastructure, and direct access to religious personnel give its positions considerable agenda-setting capacity. The High Board also maintains an official digital fatwa service, demonstrating how state-supported religious authority now operates through both physical and online institutional networks. Öztürk argues that Diyanet's relationship with political power has intensified, particularly in debates involving gender, social media, political economy, and social identity.⁴³ Türkiye therefore confirms that nonbinding opinions can acquire substantial social influence through bureaucratic dissemination even in the absence of direct legal sanctions.

Table 1. Comparative Configurations of Fatwa Authority

Country	Principal institution	Institutional position	Formal status of fatwa	Primary pathway to public authority
Indonesia	Indonesian Ulama Council	Formally non-state but institutionally connected to government	Generally nonbinding	Incorporation into public policy, halal governance, Islamic finance, legislation, and public discourse
Egypt	Dār al-Iftā'	Governmental religious institution	Primarily advisory	Administrative recognition, judicial consultation, institutional services, and state-supported dissemination
Morocco	Supreme Council of Religious Scholars	Constitutionally centralized under the monarchy	Officially authorized religious guidance	Constitutional authorization and monarchical-bureaucratic centralization
Malaysia	State mufti departments and fatwa committees	Federalized state religious administration	May become binding after gazettelement	State enactments, official publication, administrative implementation, and Syariah enforcement
Türkiye	Diyanet and High Board of Religious Affairs	State-integrated religious bureaucracy	Formally advisory	Mosques, sermons, religious education, digital fatwa services, and public administration

⁴² van Bruinessen, "The Governance of Islam in Two Secular Polities: Turkey's Diyanet and Indonesia's Ministry of Religious Affairs."

⁴³ Öztürk, "Turkey's Diyanet under AKP Rule: From Protector to Imposer of State Ideology?"

Taken together, the cases show that classifying a fatwa as binding or nonbinding is insufficient to explain its actual public authority. Indonesia demonstrates quasi-regulation through policy adoption; Malaysia shows formal legal transformation through gazettment; Egypt represents bureaucratically privileged advisory authority; Morocco institutionalizes constitutionally monopolized authorization; and Türkiye relies on state-supported mass dissemination. These configurations refine classical distinctions between the mufti's opinion, the judge's decision, and the ruler's command.⁴⁴ Contemporary fatwa authority is institutionally hybrid because epistemic credibility, legal recognition, bureaucratic resources, political endorsement, regulatory incorporation, and social reception interact in different proportions. The principal finding is therefore that public influence depends less on whether the issuing body is formally classified as state or non-state than on the institutional pathways through which its opinions are recognized, circulated, implemented, and contested.

Institutional Translation from Religious Opinion to Public Regulation

The second principal finding is that fatwas acquire regulatory or coercive consequences through institutional translation rather than through doctrinal content alone. A juristic opinion becomes publicly consequential when institutions select, restate, standardize, circulate, or enforce it through legal and administrative procedures. Contemporary governance reconstructs juristic rules through statutes, judicial interpretation, certification, financial standards, and bureaucratic procedures. Ercanbrack demonstrates this process in Islamic finance, where juristic reasoning is reformulated through the interaction of Sharia standards, municipal law, market incentives, and regulatory institutions.⁴⁵ Institutional translation thus changes not only the legal force of a fatwa but also its form, audience, and conditions of application.

Indonesia provides a clear example of translation through positivization. The shift from a society-centred to a state-centred halal assurance system under Law No. 33 of 2014 transferred substantial administrative responsibility from MUI-linked certification structures to the Halal Product Assurance Agency while retaining religious determination within the statutory process.⁴⁶ Mustafid describe this development as the positivization of MUI halal fatwas through institutional advocacy, legislative recognition, and integration into halal governance.⁴⁷ Alfitri similarly shows that MUI developed quasi-legislative influence by bureaucratizing fatwa production and securing formal recognition in Islamic finance.⁴⁸ The decisive mechanism is the adoption of MUI determinations by institutions possessing statutory authority.

The financial sector also shows that translation is neither complete nor automatic. Saleh found that formal recognition of DSN-MUI fatwas does not ensure uniform compliance when their principles have not been restated clearly in

⁴⁴ Hallaq, *Shari'a: Theory, Practice, Transformations*; Masud, Messick, and Powers, *Islamic Legal Interpretation: Muftis and Their Fatwas*; Jackson, *Islamic Law and the State: The Constitutional Jurisprudence of Shihab Al-Din Al-Qarafi*.

⁴⁵ J G Ercanbrack, "Islamic Financial Law and the Law of the United Arab Emirates: Disjuncture and the Necessity for Reform," *Arab Law Quarterly* 33, no. 2 (2019): 152–78, <https://doi.org/10.1163/15730255-12332011>.

⁴⁶ A Akim et al., "The Shifting of Halal Certification System in Indonesia: From Society-Centric to State-Centric," *MIMBAR: Jurnal Sosial Dan Pembangunan* 35, no. 1 (2019): 115–26, <https://doi.org/10.29313/mimbar.v35i1.4223>.

⁴⁷ F Mustafid, K Nasution, and A Sodikin, "Positivization of the Council of Indonesian Ulama's Halal Fatwa: Policy and Position in Indonesian Legislation," *Juris: Jurnal Ilmiah Syariah* 23, no. 1 (2024): 155–66, <https://doi.org/10.31958/juris.v23i1.10859>.

⁴⁸ Alfitri, "Religious Liberty in Indonesia and the Rights of 'Deviant' Sects."

binding regulations.⁴⁹ Karni likewise show that a fatwa incorporated into regulatory guidance may still lack legal finality or operational acceptance.⁵⁰ Yusuf identify fragmented coordination among DSN-MUI, the Financial Services Authority, Bank Indonesia, and legislative bodies as an obstacle to integrating Sharia-compliant derivatives. Regulatory incorporation is therefore negotiated among fatwa authorities, regulators, and industry actors.

Malaysia represents a more formal pathway, but it reveals the limits of equating gazettement with uniform enforcement. Abdul Wahab explains that gazettement is the mechanism through which a fatwa becomes binding within a state jurisdiction.⁵¹ Yet courts do not always treat fatwas consistently: some decisions rely on them as authoritative references, whereas others distinguish them from enforceable provisions.⁵² Gazettement is a critical translation point, but its effect still depends on jurisdiction, procedural validity, and judicial reception. This finding indicates that the legal status of a fatwa cannot be inferred solely from its publication in an official gazette because its practical authority is also determined through adjudication and institutional interpretation.

Egypt shows a pathway in which bureaucratic consultation may be more important than direct codification. Brown observes that Dār al-Iftā' operates alongside al-Azhar within a competitive field of official Islamic authority.⁵³ Although its opinions are formally nonbinding, state institutions consult the office, giving its interpretations privileged access to governmental channels. Chakim, comparing Egyptian and Indonesian rulings on digital trade, demonstrate that institutional context shapes both fatwa circulation and the legal categories used to assess new economic practices.⁵⁴ Fatwas may therefore become administratively effective through consultation, official dissemination, and institutional uptake without explicit legislative incorporation. Their influence derives from repeated institutional use and recognized interpretive authority rather than from a single act of legal promulgation.

Morocco illustrates translation through centralized authorization. Çetin shows that the Supreme Scientific Council's authority is structured through legislation, monarchical leadership, and a mandate to regulate official fatwa production according to the Maliki tradition.⁵⁵ Its collection of fifty-two responses from 2004–2012 shows how selected opinions become official guidance. During the COVID-19 pandemic, coordination among religious authority, public-health policy, and monarchical governance helped align fatwas with mosque closures,

⁴⁹ A M Saleh, R J Amalia, and K Fathoni, "The Authoritativeness of Fatwa: A Study of Sharia Banks' Compliance with the DSN-MUI Fatwa on Fund-Raising," *Justicia Islamica* 20, no. 1 (2023): 155–74, <https://doi.org/10.21154/justicia.v20i1.5306>.

⁵⁰ A S Karni et al., "Navigating Fatwa-to-Regulation Transformation in Islamic Finance: Challenges and Innovations Post-Omnibus Law 2023," *Diponegoro Law Review* 10, no. 2 (2025): 157–72, <https://doi.org/10.14710/dilrev.10.2.2025.157-172>.

⁵¹ M Abdul Wahab, "Pewartaan Fatwa Menurut Enakmen Pentadbiran Perundangan Islam Selangor 1989 Dan Penguatkuasaannya," *Jurnal Syariah* 12, no. 2 (2004): 123–47.

⁵² F A Asuhami et al., "The Role and Position of Fatwa in Malaysian Court," *Pertanika Journal of Social Sciences & Humanities* 25, no. Special Issue (2017): 227–38; M K Mat Salleh, M A A Samuri, and M I A Mohd Kashim, "Kedudukan Fatwa Dan Pendapat Mufti Sebagai Autoriti Di Mahkamah Syariah Malaysia," *Journal of Contemporary Islamic Law* 1, no. 1 (2016): 1–23, <https://doi.org/10.26475/jcil.2016.1.1.01>.

⁵³ Brown University, "Islamic Digital Humanities Network," 2012.

⁵⁴ L Chakim, N Hidayah, and Hasanudin, "Fatwa, Authority, and Digital Trade: A Critical Legal-Discursive Analysis of Dropshipping Rulings in Indonesia and Egypt," *Jurisdictie: Jurnal Hukum Dan Syariah* 16, no. 1 (2025): 124–65, <https://doi.org/10.18860/j.v16i1.31882>.

⁵⁵ E Çetin, "دور المجلس العلمي الأعلى بالمغرب في ضبط الفتاوى ومواجهة مشكلات الحياة المعاصرة," *Islami İlimler Dergisi* 16, no. 2 (2021): 197–224, <https://doi.org/10.34082/islamiilimler.1025768>.

vaccination debates, and protective measures.⁵⁶ Translation here operates through institutional monopoly and coordinated public communication. The Moroccan case consequently demonstrates how the concentration of political and religious authority can shorten the distance between juristic interpretation and administrative implementation, although such centralization may also restrict alternative interpretations.

Türkiye demonstrates how formally advisory opinions may acquire extensive social reach through bureaucratic infrastructure. Senay describe Diyanet as a historically contingent Islamic bureaucracy whose functions, personnel, resources, and political effects have expanded cumulatively.⁵⁷ Houston further shows that its role extends beyond answering legal questions to shaping conscience and proper conduct. Its authority is transmitted through salaried religious personnel, standardized sermons, educational programs, media outlets, family services, and digital platforms.⁵⁸ Coercive influence may therefore arise not only through sanctions but also through institutional dominance over recognized religious knowledge and public communication. In this model, the distinction between advisory and regulatory authority becomes less clear because religious guidance is reproduced through an extensive state-supported infrastructure.

These findings support the Institutional Translation of Fatwa Authority Framework, but the framework must be understood as non-linear. Epistemic authority may generate advisory guidance; advisory guidance may receive administrative recognition; administrative recognition may produce regulation; and regulation may lead to enforcement. However, translation may stop, reverse, fragment, or generate conflict because of judicial resistance, bureaucratic delay, inter-agency competition, commercial noncompliance, public contestation, or alternative scholarly opinions. The comparison therefore challenges models that treat the legal transformation of fatwas as a simple progression from religious interpretation to binding state law. Instead, institutional translation consists of multiple decisions made by actors possessing different forms of authority and operating under different legal, political, and economic constraints.

The arrows indicate contingent pathways rather than automatic progression. Feedback may move in the opposite direction when courts, regulators, markets, or affected communities compel fatwa institutions to revise their reasoning. Fatwa-based governance should therefore be evaluated at every point where interpretation is converted into public power. This shifts analysis from whether fatwas are formally binding to who translates them, through which procedures, with what authority, and under what mechanisms of review and accountability. The principal theoretical contribution is that the public authority of a fatwa resides not only in the qualifications of its issuer or the persuasiveness of its doctrinal reasoning, but also in the institutional architecture that converts religious interpretation into administrative action, legal obligation, or coercive consequence.

Public Morality, Legal Coercion, and Unequal Citizenship

The third principal finding is that the incorporation of fatwas into public-morality governance does not affect all citizens equally. Religious opinions

⁵⁶ M. Taufiq, “The Changing Landscape of Fatwa Production in the Digital Era,” *Islamic Jurisprudence and Society*, 12, no. 1 (2025): 123–38.

⁵⁷ B Senay et al., “Islamic Bureaucracies in Indonesia and Turkey: The Challenge of Comparison,” *Religion, State & Society* 53, no. 3 (2025): 165–87, <https://doi.org/10.1080/09637494.2025.2561361>.

⁵⁸ C Houston, “The Conscience Becomes Its Own Ulama? The Diyanet and Its Attempted Crafting of Conscience in Turkey,” *Religion, State & Society* 53, no. 3 (2025): 202–18, <https://doi.org/10.1080/09637494.2025.2521922>.

concerning orthodoxy, blasphemy, gender relations, sexuality, clothing, family conduct, artistic expression, conversion, and minority recognition may initially be presented as general moral guidance, yet their institutional implementation often produces differentiated legal and social consequences. Citizens associated with dominant religious interpretations are more likely to experience such norms as expressions of collective identity, whereas religious minorities, women, dissident Muslims, converts, nonbelievers, and socially nonconforming groups may experience the same norms as administrative restrictions or coercive classifications. The central analytical issue is therefore not simply whether a fatwa expresses an Islamic moral position, but how that position is translated into rules that distribute recognition, protection, vulnerability, and access to public institutions.

The Indonesian case illustrates how public morality can operate through the interaction of religious opinions, statutory provisions, local regulations, administrative decisions, and organized social pressure. Crouch demonstrates that disputes involving religious minorities are shaped not only by constitutional guarantees but also by courts, local authorities, police institutions, and dominant religious organizations.⁵⁹ In such contexts, a formally nonbinding religious judgment may influence decisions concerning houses of worship, recognition of religious identity, public security, or the classification of a group as deviant. Lindsey and Pausacker similarly show that the relationship among religion, law, and intolerance in Indonesia is mediated by institutional ambiguity: state actors may invoke public order while responding selectively to pressure from religious majorities.⁶⁰ Consequently, coercion does not always appear as a direct statutory prohibition. It may emerge through the refusal of permits, withdrawal of administrative protection, selective policing, or the state's failure to prevent intimidation.

This pattern also reflects a broader tension within Indonesian democratic citizenship. Menchik argues that Indonesian tolerance has historically been structured through a form of “godly nationalism” that recognizes religious plurality without necessarily embracing liberal equality among all beliefs.⁶¹ Religious difference may therefore be accepted conditionally, provided that citizens remain within officially legible and socially recognized categories. Buehler further demonstrates that the expansion of Sharia-inspired local regulations has often resulted from political alliances and institutional competition rather than from a single national project of Islamization.⁶² These findings refine the analysis of fatwa-based coercion by showing that unequal citizenship is produced through decentralized interactions among religious authority, electoral incentives, local legislation, and bureaucratic discretion. Bagir et al. (2020) accordingly emphasize that restrictions on freedom of religion or belief in Indonesia arise from the interaction between formal norms and administrative practices rather than from legislation alone.

Egypt presents a related but institutionally distinct configuration. Mahmood demonstrates that the modern legal regulation of religious difference does not merely protect pre-existing religious communities it actively defines which

⁵⁹ Melissa Crouch, *Law and Religion in Indonesia: Conflict and the Courts in West Java* (London: Routledge, 2014).

⁶⁰ Tim Lindsey and Helen Pausacker, eds., *Religion, Law and Intolerance in Indonesia* (London: Routledge, 2016).

⁶¹ Jeremy Menchik, *Islam and Democracy in Indonesia: Tolerance without Liberalism* (Cambridge: Cambridge University Press, 2016), <https://doi.org/10.1017/CBO9781316344446>.

⁶² Michael Buehler, *The Politics of Shari'a Law: Islamist Activists and the State in Democratizing Indonesia* (Cambridge University Press, 2016).

identities, doctrines, and communal boundaries are legally recognizable.⁶³ State classifications of religion can therefore create hierarchical citizenship even when constitutional language formally affirms equality. Coptic Christians, heterodox Muslims, converts, and individuals whose religious status is contested may confront administrative and legal disadvantages because personal status, public identity, and institutional recognition remain connected to officially defined religious categories. Scott similarly shows that debates concerning non-Muslim citizenship in Egypt are shaped by competing interpretations of Islam, national identity, constitutional law, and state authority.⁶⁴

Gender further demonstrates that moral regulation is not socially neutral. Family-law systems often assign different rights and responsibilities according to gender and religious affiliation, while presenting these distinctions as expressions of communal morality. Sonneveld's study of *khul'* divorce in Egypt shows that legal reform cannot be understood only through statutory language.⁶⁵ Judicial practice, public debate, religious interpretation, and women's material circumstances jointly determine whether formally available rights can be exercised effectively. The relevant question is therefore not simply whether Islamic law authorizes a particular right, but whether institutional procedures make that right accessible without imposing disproportionate economic, reputational, or evidentiary burdens.

Malaysia also demonstrates how religious authority can produce differentiated citizenship through jurisdictional complexity. Its constitutional system distributes authority among federal institutions, state governments, civil courts, and Syariah institutions, creating overlapping legal fields in which the boundaries of religious jurisdiction remain politically contested.⁶⁶ Peletz shows that Islamic courts and bureaucracies do more than adjudicate private disputes; they participate in constructing gendered ideals of proper Muslim conduct, family responsibility, and moral personhood.⁶⁷ Liow further explains that state competition over Islamic legitimacy has encouraged political actors to adopt increasingly visible moral and religious positions.⁶⁸ Within this environment, fatwas may reinforce administrative distinctions between Muslims and non-Muslims and shape the regulation of conversion, family relations, religious teaching, and public conduct. The consequences are particularly significant when individuals cannot easily exit a legally assigned religious category or when civil and Syariah jurisdictions provide competing answers to the same dispute.

Morocco provides an example of how centralization may combine moral reform with controlled interpretive authority. Reform of the *Mudawwana* demonstrated that Islamic legal reasoning could be mobilized to expand women's rights while remaining framed within Islamic legitimacy. However, the reform process was shaped by negotiation among the monarchy, women's movements, religious scholars, and political organizations.⁶⁹ This indicates that Islamic

⁶³ Saba Mahmood, *Religious Difference in a Secular Age: A Minority Report* (Princeton: Princeton University Press, 2016).

⁶⁴ Rachel M Scott, *The Challenge of Political Islam: Non-Muslims and the Egyptian State* (Stanford, CA: Stanford University Press, 2010), <https://doi.org/10.1515/9780804774710>.

⁶⁵ Nadia Sonneveld, *Khul' Divorce in Egypt: Public Debates, Judicial Practices, and Everyday Life* (Cairo: The American University in Cairo Press, 2012).

⁶⁶ Andrew Harding, *The Constitution of Malaysia: A Contextual Analysis* (Oxford: Hart Publishing, 2012), <https://doi.org/10.5040/9781509955695>.

⁶⁷ Michael G Peletz, *Islamic Modern: Religious Courts and Cultural Politics in Malaysia* (Princeton: Princeton University Press, 2002).

⁶⁸ Joseph Chinyong Liow, *Piety and Politics: Islamism in Contemporary Malaysia* (Oxford: Oxford University Press, 2009), <https://doi.org/10.1093/acprof:oso/9780195377088.001.0001>.

⁶⁹ Ziba Mir-Hosseini, "How the Door of Ijtihad Was Opened and Closed: A Comparative Analysis of Recent Family Law Reforms in Iran and Morocco," *Washington and Lee Law Review* 64,

morality is not inherently fixed or necessarily opposed to equality. Its public implications depend on which actors possess interpretive authority and whether marginalized groups can participate meaningfully in defining the common good. Centralized religious authority may facilitate reform, but it may also restrict independent contestation when alternative interpretations lack institutional access.

Türkiye further illustrates that public-morality governance can operate through cultural and bureaucratic power even when formal law is constitutionally secular. Kuru demonstrates that Turkish secularism historically involved active state management of religion rather than institutional neutrality.⁷⁰ Public controversies concerning veiling, bodily visibility, religious education, family life, and gender roles have therefore been shaped by competing state projects of secular and Islamic morality.⁷¹ More recent political transformations have intensified the promotion of conservative family ideals and gendered social expectations.⁷² Although such norms may not always be enforced through explicit criminal sanctions, their institutional reproduction through education, public discourse, welfare policies, and religious administration can narrow the practical choices available to women and dissenting citizens.

These comparative findings challenge the assumption that public morality is a self-evident or universally shared legal category. State institutions inevitably select particular interpretations when they determine which beliefs are orthodox, which relationships are legitimate, or which conduct threatens public order. Hurd warns that governmental attempts to define and manage religion often privilege institutionally recognizable communities while marginalizing ambiguous, individualized, or contested identities.⁷³ Sullivan similarly argues that legal systems cannot regulate religious freedom without first constructing an official concept of religion, thereby excluding practices that do not fit established categories.⁷⁴ The difficulty becomes more serious when communal authority is used to justify restrictions on individuals within the community. Shachar describes this as a problem of “internal minorities,” in which protections granted to cultural or religious groups may unintentionally strengthen the authority of dominant male or clerical actors over less powerful members.⁷⁵

The theoretical implication is not that Islamic ethical reasoning should be excluded from public life. Such exclusion would disregard the moral vocabularies through which many Muslim citizens understand justice, responsibility, and collective welfare. Sachedina argues that Islamic moral and theological resources

no. 4 (2007): 1499–1511; Zakia Salime, *Between Feminism and Islam: Human Rights and Sharia Law in Morocco* (Minneapolis: University of Minnesota Press, 2011), <https://doi.org/10.5749/minnesota/9780816651337.001.0001>.

⁷⁰ Ahmet T Kuru, *Secularism and State Policies toward Religion: The United States, France, and Turkey* (Cambridge: Cambridge University Press, 2009), <https://doi.org/10.1017/CBO9780511815096>.

⁷¹ Alev Çınar, *Modernity, Islam, and Secularism in Turkey: Bodies, Places, and Time* (Minneapolis: University of Minnesota Press, 2005).

⁷² Jenny B White, *Muslim Nationalism and the New Turks* (Princeton, NJ: Princeton University Press, 2013); Deniz Kandiyoti, “Locating the Politics of Gender: Patriarchy, Neo-Liberal Governance and Violence in Turkey,” *Research and Policy on Turkey* 1, no. 2 (2016): 103–18, <https://doi.org/10.1080/23760818.2016.1201242>.

⁷³ Elizabeth Shakman Hurd, *Beyond Religious Freedom: The New Global Politics of Religion* (Princeton, NJ: Princeton University Press, 2015), <https://doi.org/10.23943/princeton/9780691166094.001.0001>.

⁷⁴ Winnifred Fallers Sullivan, *The Impossibility of Religious Freedom* (Princeton, NJ: Princeton University Press, 2005).

⁷⁵ Ayelet Shachar, *Multicultural Jurisdictions: Cultural Differences and Women's Rights* (Cambridge: Cambridge University Press, 2001), <https://doi.org/10.1017/CBO9780511490330>.

can support human dignity and universal rights when interpreted through reciprocal responsibility rather than religious supremacy.⁷⁶ The transition from moral guidance to coercive regulation nevertheless requires an additional justificatory threshold. Public restrictions must be based on accessible law, directed toward a demonstrable public harm, proportionate to their objective, and open to independent contestation. Bielefeldt emphasize that freedom of religion or belief protects not only established communities but also individuals, minorities, converts, dissenters, and those who reject religious identification.⁷⁷

The principal finding is therefore that religious legitimacy cannot independently justify coercive public regulation. Fatwa-based governance becomes compatible with equal citizenship only when affected persons retain meaningful opportunities to question classifications, challenge administrative decisions, and seek effective remedies. Public morality should function as a domain of accountable ethical reasoning rather than as an unrestricted authorization for majoritarian or bureaucratic power.

Digital Transformation and the Future of Accountable Fatwa Governance

The fourth principal finding is that digital transformation has altered not only the dissemination of fatwas but also the institutional conditions under which Islamic legal authority is produced, authenticated, ranked, interpreted, and contested. Digital platforms have reduced geographical and institutional barriers to religious knowledge by allowing users to access legal opinions, sermons, question-and-answer services, and scholarly discussions without approaching a mosque, madrasa, mufti office, or established Islamic organization. However, expanded access has also weakened the boundaries separating formally issued fatwas from informal advice, personal commentary, edited sermon fragments, and commercially produced religious content. Online users frequently encounter these different forms within the same search results or social-media feed, where their visual presentation may appear equally authoritative. Digitalization therefore does not merely transfer fatwas from paper to screens; it reorganizes the ecology of Islamic authority by redistributing control over religious visibility, accessibility, and recognition.⁷⁸

Classical and modern fatwa institutions traditionally established authority through scholarly credentials, institutional affiliation, recognized methods of legal reasoning, and identifiable procedures of consultation. Digital environments introduce additional mechanisms of authority based on communication skills, platform familiarity, audience size, engagement metrics, and continuous content production. Campbell describes the emergence of “religious digital creatives” whose influence derives partly from their capacity to translate religious ideas into forms compatible with digital culture.⁷⁹ Their authority does not necessarily depend on appointment by established institutions or mastery of formal scholarly disciplines. Instead, it may be performed through personal branding, visual accessibility, emotional intimacy, perceived authenticity, and responsiveness to

⁷⁶ Abdulaziz Sachedina, *Islam and the Challenge of Human Rights* (Oxford: Oxford University Press, 2009), <https://doi.org/10.1093/acprof:oso/9780195388428.001.0001>.

⁷⁷ Heiner Bielefeldt, Nazila Ghanea, and Michael Wiener, *Freedom of Religion or Belief: An International Law Commentary* (Oxford: Oxford University Press, 2016), <https://doi.org/10.1093/law/9780198703983.001.0001>.

⁷⁸ I. N Abusharif, “Digital Fatwas and the Challenge of Religious Authority in the Age of Social Media, 45-67,” *Journal of Islamic Media Studies* 12, no. 1 (2023); Heidi A Campbell and Wendi Bellar, *Digital Religion: The Basics* (London: Routledge, 2023).

⁷⁹ Heidi A Campbell and Ruth Tsuria, *Digital Religion: Understanding Religious Practice in Digital Media* (Routledge, 2021).

audience demands. Campbell consequently argues that online religious leadership requires analysis of new actors whose influence arises through digital competence rather than traditional procedures of scholarly authorization.⁸⁰ These developments do not automatically eliminate established religious institutions, but they compel them to compete within communication systems whose rules they do not fully control.⁸¹

The Indonesian experience demonstrates this redistribution of authority. Fauzi shows how a micro-celebrity preacher operating through Facebook challenged Muhammadiyah's institutional authority by claiming proximity to its official structures and interpreting decisions associated with its Tarjih Council.⁸² The case illustrates that digital authority may be constructed through perceived affiliation even when formal authorization is uncertain or disputed. Established institutions must therefore defend not only the substance of their religious positions but also their names, symbols, organizational identities, and digital representations. More recent research indicates that Muslim students increasingly regard organizational websites, scholars' webpages, social media, and religious memes as legitimate sources of Islamic knowledge, reducing their dependence on conventional teachers and institutions.⁸³ Similarly, Pabbajah identify a shift from direct consultation with ulama toward online searches and Islamic portals, producing what they describe as the deauthorization of conventional scholarly roles.⁸⁴ Digital access thus pluralizes knowledge sources while making the criteria for distinguishing expertise from popularity more difficult to apply.

Digital religious communication is also governed by platforms whose commercial and technical structures determine which content becomes visible. Recommendation systems privilege materials likely to retain attention, stimulate reactions, and generate repeated interaction. Consequently, short, emotionally charged, categorical, or controversial religious statements may circulate more widely than carefully qualified legal reasoning. Bunt (2018) conceptualizes this development through the "authority algorithm," emphasizing that Muslim digital worlds are shaped by search systems and platform architectures as well as by scholars and religious institutions. The platform does not determine theological validity, but it influences which opinions users encounter first, how frequently those opinions reappear, and which speakers appear socially credible. Gillespie similarly demonstrates that platforms exercise governance through moderation, ranking, removal, and visibility decisions that remain largely hidden from

⁸⁰ H. A. Campbell, "Interdisciplinary Approaches to Digital Religion.," *Journal of Religion and Technology*, 8, no. 2 (2023): 88–105.

⁸¹ Pauline Hope Cheong, "Authority and Communication: Dialectical Tensions and Paradoxes in Religious Organizing," in *The Oxford Handbook of Digital Religion*, ed. Heidi A Campbell and Pauline Hope Cheong (Oxford: Oxford University Press, 2023), 325–43, <https://doi.org/10.1093/oxfordhb/9780197549803.013.15>.

⁸² N A F Fauzi, "Zulkarnain EL Madury and the Micro-Celebrity Ustaz Phenomenon: Tracing Muhammadiyah's Struggle in Maintaining Religious Authority in Cyberspace," *Indonesia and the Malay World* 51, no. 151 (2023): 304–29, <https://doi.org/10.1080/13639811.2023.2274708>.

⁸³ Askar et al., "Online Islamic Knowledge Sources and Their Authority in Islamic Learning: A Case Study of Indonesian Muslim Universities," *Cogent Education* 12, no. 1 (2025): 2504236, <https://doi.org/10.1080/2331186X.2025.2504236>.

⁸⁴ M N Ichwan, M Pabbajah, and F Amin, "Digitization of Religious Tafsir: The Fading of Indonesian Ulama Authority in the Post-Truth Era," *Jurnal Studi Ilmu-ilmu Al-Qur'an Dan Hadis*, 2024, <https://doi.org/10.14421/qh.v25i2.5545>.

ordinary users.⁸⁵ In fatwa governance, algorithmic selection consequently becomes an additional layer between juristic interpretation and public reception.⁸⁶

This finding extends the Institutional Translation of Fatwa Authority Framework by introducing digital mediation between advisory formulation and public influence. A fatwa no longer requires formal incorporation into legislation or administration before shaping conduct. It may acquire quasi-regulatory force through mass circulation, coordinated endorsement, digital shaming, reputational pressure, or repeated presentation as the only legitimate Islamic position. Online dissemination can also remove a fatwa from its original temporal, geographical, and factual context. Video fragments may omit qualifications, screenshots may detach conclusions from evidence, and reposted rulings may continue circulating after an institution has revised or withdrawn them. Ali's study of internet fatwas concerning women and gender demonstrates that online *iftā'* expands access—particularly for users hesitant to seek face-to-face consultation—but simultaneously fragments authority and revives legal formulations beyond their original institutional settings. Digitalization therefore creates both emancipatory access and new forms of epistemic vulnerability.⁸⁷

The governance problem is compounded by regulatory fragmentation. Kholili find that Indonesian broadcasting regulation remains poorly adapted to digital religious communication because supervisory institutions designed for conventional broadcasting possess limited authority over platform-based content.⁸⁸ This gap allows religious actors with uncertain qualifications to reach large audiences while public institutions rely primarily on voluntary certification or recommended-preacher lists. The difficulty cannot be solved simply by expanding state censorship, since excessive regulation may suppress legitimate disagreement and strengthen governmental control over Islamic interpretation. Platform governance research instead shows that online regulation involves overlapping responsibilities among governments, technology companies, civil society, users, and content producers.⁸⁹ Accountability must therefore distinguish between harmful conduct that warrants intervention and legitimate juristic disagreement that should remain open to public debate.⁹⁰

An accountable model of digital fatwa governance should consequently be built around provenance, transparency, contestability, and human oversight. Provenance requires each digital fatwa to identify its author, issuing institution, date, jurisdiction, original question, and authoritative version. Transparency requires accessible disclosure of the Qur'anic, hadith, juristic, contextual, and methodological grounds supporting the ruling. Contestability requires correction procedures, visible revision histories, mechanisms for reporting misrepresentation, and opportunities for affected users to request clarification or

⁸⁵ Tarleton Gillespie, *Custodians of the Internet: Platforms, Content Moderation, and the Hidden Decisions That Shape Social Media* (New Haven: Yale University Press, 2018).

⁸⁶ Gillespie; Gary R Bunt, *Hashtag Islam: How Cyber-Islamic Environments Are Transforming Religious Authority* (Chapel Hill: University of North Carolina Press, 2018).

⁸⁷ Shaheen Sardar Ali, "Internet Fatawa: Challenging Tradition and Modernity in Women and Gender Issues," in *Modern Challenges to Islamic Law* (Cambridge University Press, 2016), 233–61, <https://doi.org/10.1017/CBO9781139519670.010>.

⁸⁸ M Kholili, A Izudin, and M L Hakim, "Islamic Proselytizing in Digital Religion in Indonesia: The Challenges of Broadcasting Regulation," *Cogent Social Sciences* 10, no. 1 (2024): 2357460, <https://doi.org/10.1080/23311886.2024.2357460>.

⁸⁹ Robert Gorwa, *The Politics of Platform Regulation: How Governments Shape Online Content Moderation* (Oxford: Oxford University Press, 2024), <https://doi.org/10.1093/oso/9780197692851.001.0001>.

⁹⁰ Kholili, Izudin, and Hakim, "Islamic Proselytizing in Digital Religion in Indonesia: The Challenges of Broadcasting Regulation."

challenge administrative reliance on a digital fatwa. Human oversight is essential because automated ranking and moderation cannot determine juristic competence or resolve legitimate Islamic disagreement. Scholarship on algorithmic regulation emphasizes that algorithmic systems require institutional mechanisms capable of scrutinizing their effects, embedded biases, and distribution of power.⁹¹ Platform regulation likewise requires attention to both governance by platforms and governance of platforms because private technical decisions increasingly structure public discourse.⁹²

Digital accountability must also preserve plurality within Islamic legal traditions. Verification should not be used to establish a single state-approved interpretation or exclude minority schools of law. Rather, platforms and institutions should distinguish verified provenance from substantive doctrinal agreement. Users should be able to identify whether a ruling represents an individual scholar, a collective council, a particular madhhab, or an official state position. Abusharif stresses that online Islamic materials must be interpreted in relation to their intellectual, social, and juristic traditions rather than treated as an undifferentiated digital corpus.⁹³ Accountable governance therefore requires religious literacy as well as technological regulation.

The principal contribution of this finding is that digital mediation must be recognized as an independent source of institutional power. The future legitimacy of fatwas will depend not only on fidelity to Islamic legal methodology but also on whether digital systems preserve context, disclose authority, document revisions, enable contestation, and prevent algorithmic visibility from being mistaken for juristic validity. Digital platforms can expand access to Islamic legal knowledge, but access becomes normatively valuable only when accompanied by traceable reasoning and accountable mechanisms of public communication. Future-oriented fatwa governance should therefore neither reject digital innovation nor surrender religious authority to platform popularity. It must integrate Islamic scholarly integrity with technological transparency, institutional responsibility, and the continuing right of Muslim publics to examine, compare, and contest the religious opinions that seek to guide their lives.

CONCLUSION

This study examined how fatwa institutions are authorized within different governance systems, how formally advisory religious opinions acquire regulatory or coercive effects, and under what conditions this transformation remains compatible with juristic plurality, religious freedom, equal citizenship, and accountable public authority. The comparative analysis of Indonesia, Egypt, Morocco, Malaysia, and Türkiye demonstrates that contemporary fatwa governance cannot be adequately explained through a simple distinction between state and non-state institutions or between binding and nonbinding opinions. Fatwa authority is institutionally hybrid and emerges through varying combinations of scholarly legitimacy, constitutional authorization, bureaucratic resources, political recognition, judicial reception, regulatory incorporation, public acceptance, and digital visibility.

⁹¹ Karen Yeung and Martin Lodge, eds., *Algorithmic Regulation* (Oxford: Oxford University Press, 2019), <https://doi.org/10.1093/oso/9780198838494.001.0001>.

⁹² Gorwa, *The Politics of Platform Regulation: How Governments Shape Online Content Moderation*.

⁹³ I N Abusharif, "Religious Authority, Digitality, and Islam: The Stakes and Background," *Journal of Islamic and Muslim Studies* 8, no. 1 (2023): 109–19, <https://doi.org/10.2979/jims.00010>.

The findings show that the transition from religious opinion to public regulation occurs through a contingent process of institutional translation. Indonesia illustrates quasi-regulatory authority through the incorporation of fatwas into halal governance, Islamic finance, legislation, and administrative policy. Malaysia provides a more formal pathway through state-level approval and gazettment. Egypt demonstrates bureaucratically privileged advisory authority, Morocco centralizes officially recognized fatwa production under monarchical leadership, and Türkiye amplifies formally advisory opinions through an extensive state-supported religious bureaucracy. These differences confirm that the public consequences of a fatwa depend less on its formal doctrinal classification than on the institutional mechanisms through which it is selected, circulated, implemented, and enforced.

The study also finds that translating fatwas into public-morality regulation may distribute rights and burdens unequally. Regulations concerning orthodoxy, religious offence, gender, family conduct, conversion, and minority recognition can produce disproportionate consequences for religious minorities, women, dissenting Muslims, converts, nonbelievers, and citizens whose ethical convictions differ from official interpretations. Islamic moral reasoning may legitimately contribute to public life, but religious legitimacy alone cannot justify coercive restrictions. The exercise of public authority requires a clear legal basis, a demonstrable public purpose, procedural transparency, proportionality, non-discrimination, independent review, and effective opportunities for affected citizens to contest classifications and decisions.

Digital transformation further complicates this institutional landscape by introducing algorithmic visibility, platform engagement, online popularity, and communication competence as new sources of religious influence. Digital mediation can expand access to Islamic legal knowledge while simultaneously obscuring authorship, institutional affiliation, interpretive context, and juristic disagreement. The future legitimacy of digital fatwas therefore depends on verifiable provenance, methodological transparency, visible correction procedures, archival integrity, human oversight, and protection against the substitution of algorithmic popularity for scholarly competence.

The principal theoretical contribution of this study is the Institutional Translation of Fatwa Authority Framework, which distinguishes epistemic, advisory, administrative, regulatory, and coercive authority while explaining the pathways connecting them. This framework advances Islamic legal and Islamicate studies by shifting analysis from the formal status of fatwas to the institutional processes that transform interpretation into public power. Its broader significance lies in providing a basis for governance systems that preserve the intellectual and ethical relevance of Islamic legal traditions without collapsing religious guidance into unreviewable state, bureaucratic, or platform authority. Future research should examine the lived experiences of affected citizens, compare the implementation of specific fatwas across jurisdictions, and investigate how courts, civil society, religious institutions, and digital platforms negotiate accountability in practice.

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